

## PLANNING COMMITTEE

16<sup>th</sup> August 2023

## INFORMATION REPORT

### APPEAL DECISION RECEIVED

21/01872/OUT Mr Brocklebank. Appeal against the refusal of outlined planning permission for the erection of 5 dwellings, Blanefield, Blyth Road, Oldcotes

DECISION: Appeal DISMISSED by the Inspector.

The application was refused by Planning Committee on 31<sup>st</sup> August 2022, contrary to Officer recommendation. The application was refused on 3 grounds which are detailed below.

*1) Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of no detriment to highway safety. Similar advice is contained in paragraph 110 of Part 9 of the National Planning Policy Framework, which states that development proposals should ensure that safe and suitable access can be achieved for all users.*

*The access to the proposed development would be achieved from a single drive that currently serves the existing dwelling, 'Blanefield' and which is of limited width. Increase in use of this sub-standard access by 5 dwellings would be detrimental to highway safety and conflict with the aims of the policies outlined above.*

*The increase in use of the substandard access drive by vehicles and deliveries during demolition and construction activities, would be likely to lead to the obstruction and damage of the highway and footways to the detriment of existing road users and pedestrians, conflicting with the aims of the policies outlined above.*

*2) The Bassetlaw Local Development Framework contains policy DM9, which states that new development proposals will be expected to take opportunities to restore or enhance habitats and species populations. It also states that development that will result in the loss of such features may be supported where replacement provision is made that is considered to be of equal or greater value than that which will be lost and which is likely to result in a net gain in biodiversity. Similar advice is contained in paragraph 174 of the NPPF which states that development should contribute to and enhance the natural environment.*

*The current proposal would result in the loss of a number of trees within the site. Due to the intensive nature of the proposed development, there would be limited opportunity for replacement planting or landscape proposals within the site, that would be of equal or greater value to that lost.*

*If permitted, the development would result in a net loss of biodiversity thereby conflicting with the aims of the policies and guidance outlined above.*

*3) Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of a high quality design, respects the character of the area and historic development patterns. Similar advice is contained in*

*paragraph 130 of the NPPF, which states that development should be sympathetic to local character including the surrounding built environment and landscape setting.*

*The character of this part of Oldcotes is largely derived from linear development fronting directly onto Blyth Road and Main Street.*

*The proposal would introduce a cul-de-sac development of 5 dwellings behind existing dwellings and over 40m from the developed road frontage.*

*As such the development would be out of character with the historic development pattern of the village and if permitted, would conflict with the policies and guidance outlined above and would result in an unacceptable level of harm to the character of the surrounding area.*

The inspector considered that the main issues were:

- i.) The character and appearance of the area, having particular regard to the setting of the adjacent Oldcotes Conservation Area;
- ii.) highway safety; and
- iii.) trees and biodiversity

The Inspector concluded the following:

*i.) Taking all of this together, as well as finding that the proposal to develop five bungalows on the appeal site would not be in keeping with the prevailing pattern of development in the area, I also find that it would be likely to mean that the setting of the Oldcotes Conservation Area, would not be preserved or enhanced.*

*ii.) The existing driveway from Blyth Road would continue to be used to provide access to the five proposed bungalows. With some modifications to the existing gateway, the drive would have a minimum width of 4.8m, and so would comply with the requirements of Nottinghamshire County Council's Highway Design Guide for shared private drives. I saw on my site visit that the driveway emerges onto Blyth Road from the appeal site across a wide grass verge and, while I have not been provided with visibility splay diagrams, there does not appear to be any serious doubt that there would be a good standard of intervisibility between drivers of vehicles leaving the appeal site and those heading along Blyth Road in either direction.....I am satisfied that the proposed development would be unlikely to be significantly harmful to highway safety.*

*iii.) I understand that none of the trees is covered by a Tree Preservation Order; nevertheless, they not only make a positive contribution to the green and pleasant character and appearance of the area as I have described, but are also likely to provide nesting sites for birds and habitats for other wildlife.*

*I conclude that the development would be likely to result in a harmful loss of mature trees and biodiversity on the site. The proposal therefore conflicts with Policy DM9 of the BCS, which seeks to restore or enhance habitats and species' populations, and with the provisions of Paragraph 174 of the Framework which seek to ensure that planning policies and decisions contribute to and enhance the natural and local environment.*

A copy of the Inspector's decision letter follow this report.

OFFICER RECOMMENDATION: GRANT  
FINALISED DECISION LEVEL: Planning Committee